

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

08-cr-87-bbc

v.

PRINCE P. BECK,

Defendant.

Defendant Prince P. Beck filed a motion for compassionate release from prison on June 10, 2020, saying that he feared he would be exposed to the COVID-19 virus if he remained at the United State Penitentiary in Lewisburg, Pennsylvania. Dkt. #521. The Federal Defender Services advised defendant on June 11, 2020, that it would be unable to represent him because of the organization's limited resources and the competing demands on its time. Dkt. #522.

Defendant then filed his own brief in support of his request for compassionate release. Dkt. #523. The government filed a brief in opposition, dkt. #524, which it sealed at defendant's request, dkts. ##525 and 526, and defendant filed a brief in reply on July 2, 2020. Dkt. #530. Before this request for compassionate relief could be acted upon, defendant filed an amended motion for compassionate release on July 6, 2020, which was denied by this court on July 17, 2020, dkt. #534, because defendant had not shown that he

had received a negative response from the warden. (In hindsight, I realize that much of the ensuing confusion in this case might have been avoided if it had been made clear to defendant that he needed to do no more than advise the court whether the warden had denied his request for release.)

If that had been done, this court could have promptly determined defendant's eligibility for a compassionate release and prevented the ensuing filings, including defendant's late August 10, 2020 appeal, dkt. #537, challenging this court's denial of his amended motion. That notice of appeal was filed four days late, even taking into account the fact that Fed. R. App. P. § 4(c) provides extra time for prisoner filings. Despite its late filing, the notice of appeal was transmitted to the Court of Appeals for the Seventh Circuit. Dkt. #539. The court of appeals has now remanded defendant's notice of appeal to this court for a ruling on his request for an extension of the time to file his appeal. Dkt. #551. Under these circumstances, I believe it is fair for defendant to be given an extension of the time in which he may file his appeal and, if the court of appeals finds it appropriate, have his case returned to this court for a new determination of his request for compassionate release.

ORDER

IT IS ORDERED that plaintiff Prince P. Beck's motion, dkt. #551-1, to extend the time in which he has to appeal the denial of his August 10, 2020 appeal, dkt. #537, is GRANTED.

Entered this 18th day of December, 2020.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge